

REMARKS

This responds to the Notice of Non-Compliant Appeal Brief mailed on May 31, 2007.

Claims 52, 53, 56-59 and 64-66 are now pending in this application. Applicant requests that the amendments to the claims contained in the Amendment Under 37 CFR 1.116 filed on September 8, 2006 be entered. The claims as set forth above incorporate those amendments.

Interview Summary

Applicant thanks Examiner Kennedy Schaetzle for the courtesy of a telephone interview on July 31, 2007 with Applicant's representative J. Kevin Parker. In accordance with that interview, Applicant believes that all rejections of the claims have been overcome except for the obviousness-type double patenting rejections over U.S. Patent Application Ser. No. 09/206,329 (now U.S. Patent No. 7,092,756) as detailed below.

Double Patenting Rejection

Claims 52, 53, 56-59 and 64-66 were provisionally rejected under the judicially created doctrine of double patenting over claims 1, 3-15, 17-19, 21-33, 35 and 36 of U.S. Patent Application 7,092,756.

Applicant does not admit that the claims are obvious in view of U.S. Patent Application 7,092,756. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) will be submitted to obviate these rejections as soon as the signed Revocation and Power of Attorney documents are received.

AMENDMENT AND RESPONSE

Serial Number: 09/753,738

Filing Date: January 2, 2001

Title: AUTOCAPTURE PACING/SENSING CONFIGURATION

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Dkt: 279.E71US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(847) 432-7302

Date July 31, 2007

By / J. Kevin Parker /
J. Kevin Parker
Reg. No. 33,024

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of July 2007.

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Name

Kate D
Signature